

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

BARBARA SELLERS,

PETITIONER

V.

NO. 1:04CR0184-WAP

UNITED STATES OF AMERICA,

RESPONDENT

ORDER

This matter comes before the court on the *pro se* motion of Barbara Sellers to receive credit for time served.

It is well established that district courts may not directly award credit against a federal sentence for time spent in official detention. *See United States v. Wilson*, 503 U.S. 329, 333-37, 112 S.Ct. 1351, 117 L.Ed.2d 593 (1992). A district court may not award credit for time served in state confinement because the Attorney General, through the Bureau of Prisons, determines what credit, if any, will be awarded to prisoners for time spent in custody prior to the commencement of their federal sentences. *Id.* at 503 U.S. 336-37. Thus, the calculation and the application of credit for time served are determinations within the Bureau of Prisons' administrative discretion. *Cooper v. Perez*, 145 Fed. Appx. 41 (5th Cir. 2005); *U.S. v. Barrera-Saucedo*, 385 F.3d 533, 536 (5th Cir. 2004) (a sentencing court may not give credit for time served in state custody).

Therefore, in accordance with well established law, Petitioner's motion for credit for time served (docket entry 30) is DENIED.

SO ORDERED, this the 17th day of September, 2007.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE